
Chapter 5 Agricultural and Rural Conservation



Vision

Talbot County's undeveloped and working agricultural lands are precious resources that are critical to the rural character and quality of life which the Comprehensive Plan seeks to preserve. Residential and commercial development pressures are no longer in conflict with preservation of the rural landscape, thanks to the land use policies put in place to direct growth toward designated areas and otherwise preserve agricultural and forest lands.

The keystone preservation strategy is for critical tracts of undeveloped land to be placed under conservation easements. Comprehensive planning that designates preservation and growth areas, combined with rigorously enforced zoning ordinances and a range of land preservation incentives help maintain a balance of land uses and foster agricultural operations.

Goal

To conserve Talbot County's agricultural land base and preserve its rural character by directing growth to existing population centers and securing permanent conservation easements in predominantly rural areas.

Introduction

Agriculture is a significant part of Talbot County life, both as a major industry and as an important contributor to the County's distinctive character. Working farmland is a valuable and limited natural resource that once developed cannot be reclaimed for agricultural use.

Conservation of working land is an important component of support to the agricultural

industry. In spite of increasing development pressure on agricultural and open space lands, Talbot County continues to derive benefit from conserving these elements of rural character.

In order to preserve agricultural land and open space, the County in 1991 adopted a comprehensive rezoning of rural and agricultural lands, reducing the density permitted in agricultural areas from one

Talbot County Farm Statistics, 1982-2012							
Farm number and size	1982	1987	1992	1997	2002	2007	2012
Number of farms	350	280	250	240	288	305	328
Average size (acres)	342	389	423	457	367	357	364
Land in farms (acres)	119,684	109,032	109,108	109,572	105,729	109,002	119,481
Source: USDA Census of Agriculture							

dwelling unit per two acres, with an allowance creating a variable density somewhat less than one unit per twenty acres. This density has been modified by SB236, discussed in the Land Use chapter.

To maintain farmland, clustering of subdivided lots is generally required. Code amendments passed in 2007 eliminated the opportunity to increase development intensity through the use of Transferable Development Rights (TDRs).

To further protect agriculture as a land use activity, a Right to Farm ordinance was enacted in 2000, stressing the County's commitment to agriculture and helping to protect farmers from unwarranted nuisance complaints.

Census of Agriculture reports an increase in area and the number of farms from 2002 to 2007, and again in 2012. New calculations bring numbers close to the farm acres from 1982. The average farm size remains below the historic high in 1997.

Some of these fluctuations may be due to changes in the definition of farming operations or the way census data were gathered. The period was also one of industry consolidation, followed by a recent interest in the establishment of smaller specialty farms.

Existing Land Preservation Programs

MALPF

The Maryland Agricultural Land Preservation Foundation (MALPF) is one of the most successful programs of its kind in the nation. The MALPF program is intended to permanently protect farmland by offering landowners financial incentives to voluntarily sell development rights. The Foundation's purpose is to preserve sufficient agricultural land to maintain a viable food and fiber production capacity for present and future citizens of Maryland. The program is administered by the County and State in an equitable partnership.

Talbot County has a moderately successful MALPF program. Community participation has been steadfast and increasing: Over thirty new farms have been enrolled for consideration between 2005 through 2012. Each annual round of easement purchases has been highly competitive, with only the highest quality farmland purchased in any year.

Presently, Talbot County's MALPF holdings consist of 10,905 acres in 71 easements, and 11,003 acres on 88 properties vying for future easement purchases (known as districts). A map of the properties that have been

permanently preserved by through MALPF and other programs is attached at the end of to this chapter.

As a MALPF Certified County, Talbot is qualified to retain a portion of agricultural transfer taxes collected in the county, to be reserved for land preservation. The County has used and intends to use all retained funds to purchase development rights, supplement MALPF payments, or promote the sale or purchase of development. Certification has increased dollar resources available for purchase of agricultural easements in the County.

Easement applications reached a record high in 2007, as State funds for acquisition also increased. Most of the decade was characterized by dramatic increases in land value and so easement acquisition costs. The net effect was to limit any potential increase in acres preserved while draining the County's available funds.

By 2008, land preservation in the County and State came to a halt, due to the economic recession and its impact on the real estate industry. With little funds available to purchase easements, progress in land preservation has slowed considerably.

In order to add stability and a greater degree of local control, the County should pursue additional sources of funding, both public and private, to acquire conservation easements.

Talbot County remains committed to assisting local property owners who are interested in participating in MALPF or other local,

regional, state and national conservation programs. The County will continue to work with the State to actively encourage more farmers to participate in MALPF and other conservation programs.

Conservation Programs

Land Trusts

Conservation easement agreements with non-profit land trusts are an invaluable

component of rural and agricultural land preservation in the county. Over one half of the land that is conserved from future subdivision and development has been protected - at no cost to the County - by two such organizations.



The locally-based

Eastern Shore Land Conservancy and the statewide Maryland Environmental Trust craft conservation easements extinguishing legal development rights. The easements are recognized as tax deductible donations. Property owners who wish to voluntarily conserve land agree to deed restrictions that preserve farmland, forests, streams, shorelines and other important resources. The County should continue to support these organizations in their efforts to acquire conservation easements.

As of this report, approximately 90 such easements protect about 14,000 acres of land within the County. Most properties are in areas designated for limited development and environmental conservation in County land preservation plans.

Historically, the Chesapeake Bay Foundation and the Nature Conservancy acquired land or easements to protect critical resources such as

old growth forests and marshland. These rare resources are valued habitat protection areas for threatened and endangered species and the ecological diversity they preserve.

Rural Legacy and Program Open Space

The Tuckahoe Rural Legacy Plan was developed by the Eastern Shore Land Conservancy, in cooperation with Talbot and other mid-shore counties, in order to preserve lands bordering waterways such as the Tuckahoe River in the northeast corner of the County.

The Rural Legacy area is part of an upper shore Agricultural Security Corridor, established to help safeguard the Eastern Shore's agricultural economy. The northeast quadrant of the county is a hub of agricultural production and investment, stressing the importance of land preservation. About 830 acres in the County have been preserved through Rural Legacy easements.

Future rural legacy plan areas may provide for additional protection of farmland paralleling MD Route 404, in cooperation with Queen Anne's County, in an effort to maintain the corridor's Rural Character in spite of ongoing transportation system improvements.

DNR Lands

The Maryland Department of Natural Resources (DNR) manages several publicly

owned parks and protected sites in Talbot County. These 238 acres of public lands include Black Walnut Point Natural Resource Management Area, Bill Burton Fishing Pier State Park, Wye Oak State Park and Seth Demonstration Forest. The sites provide

recreational water access, passive recreational opportunities and natural resource services to local residents and visitors alike.

TDR Lands

Transfer of Development Rights (TDR)

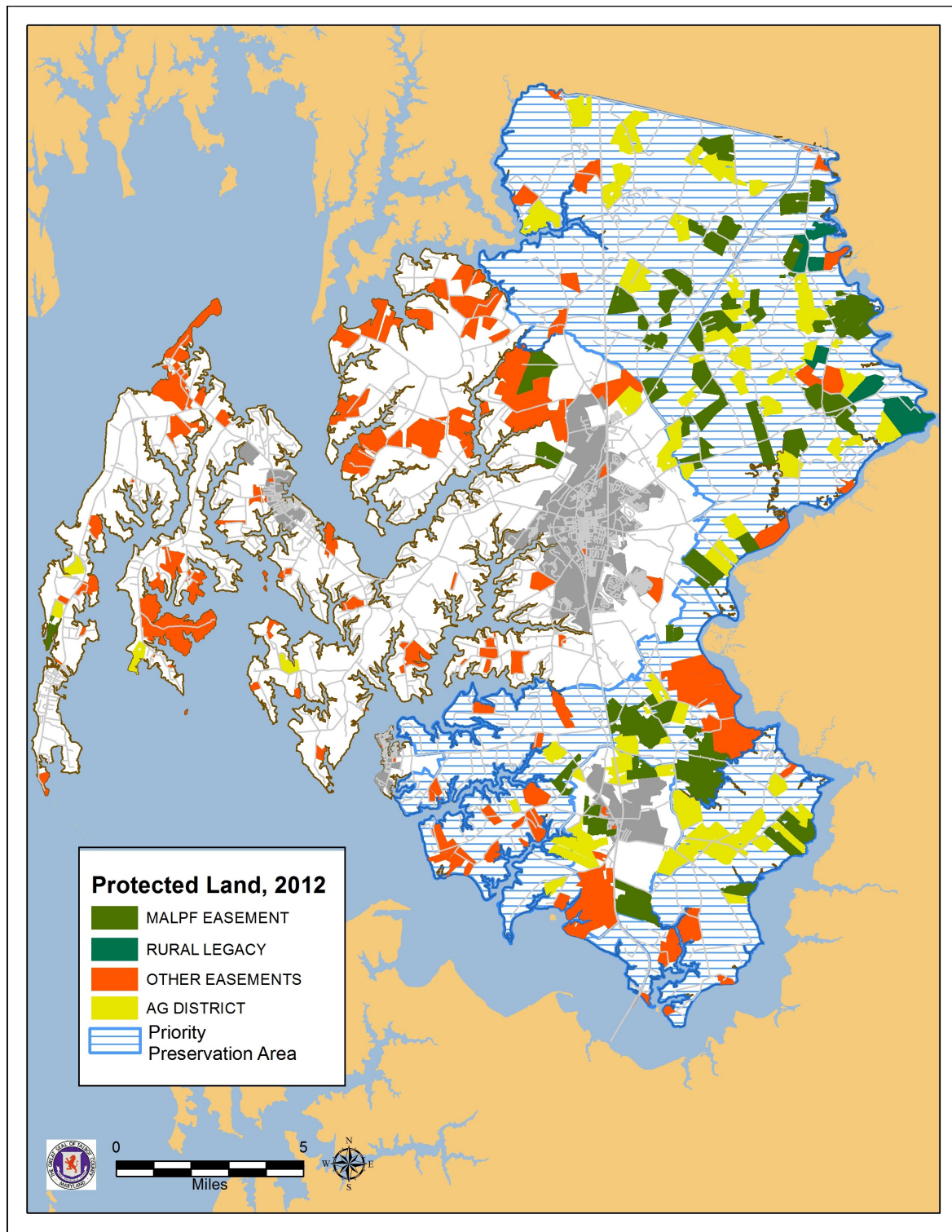
lands are properties that have participated in a County managed TDR program and have sold or transferred development rights from one another parcel, preserving land as open space or agricultural lands. The County does not permit TDRs at present.

Priority Preservation Areas

The Talbot County Office of Planning and Zoning adopted a Priority Preservation Area (PPA) plan as an element of the Comprehensive Plan, in 2009. The element was required for counties with certified MALPF preservation programs. The intent was to assure that State funds were used in a strategic fashion to meet local goals.

The Talbot County PPA encompasses approximately 83,000 acres and includes the majority of existing MALPF easements and districts, the Tuckahoe Rural Legacy area, and several conservation easements. It is home to a high percentage of local farm owner/operators. Farm operations are diverse, ranging from grain and poultry, to aquaculture, greenhouse and hydroponic growers, wine grapes, artisan cheeses and





specialty produce.

The PPA contains high concentrations of the most productive soils in the County and is capable of supporting profitable agricultural and forestry enterprises. It is also home to a

variety of agricultural support services including grain storage facilities, agricultural equipment dealers and a network of specialized service providers. The PPA boundary is included in the map of preserved land at the end of this chapter.

In 2004, Talbot County partnered with The Conservation Fund to develop a Green Infrastructure Plan identifying and evaluating areas of high natural resource and agricultural value. This geographic information system (GIS) model offered a holistic approach to preserving a range of important

resources. The Plan provided important background to establish a viable priority area for agricultural preservation (see Chapter 2, Land Use).

Virtually all land in the PPA is designated for agriculture in the County zoning ordinance.

Agricultural Conservation (AC) zoning predominates, with slightly more restrictive Rural Conservation (RC) zoning in the Chesapeake Bay Critical Area. The County has no plans to extend sewer or water into the PPA. Most of the area is in Tier 4 in the *Sustainable Growth and Agricultural Preservation Act* scheme.

Zoning places other constraints and restrictions on non-agricultural development activities in order to minimize conflicts with agriculture. Among the uses not permitted in the agricultural areas are Auto Service Stations, Hospitals, Hotels, Manufacturing, Nightclubs, Offices, Indoor Recreation Facilities, Major Retail and Solid Waste Disposal. Prohibiting large or intensive non-residential development will minimize the threats of conflicting uses, heavy traffic and the lure to take land out of agricultural production.



The County has worked to minimize constraints or restrictions on farm related activities by amending zoning regulations to accommodate a range of contemporary uses. For example, farm markets, wholesale greenhouses, fish and game hatcheries are all permitted uses in agricultural areas.

Talbot County is bound to the north by SR 404 and bisected north to south by US 50, both major tourism routes to Maryland and Delaware beaches. Despite the obvious attraction to develop these byways, non-agricultural development has been restricted

almost exclusively to the incorporated towns along the highways.

Also included in the PPA are the villages of Cordova, Bruceville, Ivytown, Williamsburg and Wye Mills, which are emblematic of Talbot County's agricultural heritage:

- Wye Mills traces its roots to the Colonial period when the extant grain mill was first established. As the oldest working mill in Maryland (circa 1682), the gristmill has participated in three centuries of agricultural tradition.
- Cordova's history dates to a later, commodity-based agricultural boom, having grown up around the railroad line that delivered fresh and processed foods from the fields, granaries and canneries in the region to large mid-Atlantic markets.

There are some 4,130 parcels of record in the PPA. Of those, about 650 parcels are 50 acres

or greater; 488 of those MALPF-qualifying parcels are not yet preserved or enrolled in the preservation program. The parcels that would qualify for the MALPF program amount to approximately 70,000 acres of farm and forest land.

Talbot County has retained a ‘district’ registration system based on the former statewide requirement, with a nonbinding 3 year program commitment. The Planning and Permits Department encourages registration as a district to assure that a parcel meets program requirements and that landowners are contacted at application time.

Looking Ahead

If Talbot County continues to secure MALPF easements at its historic rate, it would take over 100 years to reach agricultural land preservation goals. In order to achieve a 20-year preservation goal of 56,000 additional acres, easements would need to be acquired at a rate of 2,800 acres per year.

Adequate funding is the most significant impediment to achieving County preservation goals. Funds are scarce at every possible level of or source.

Talbot County is not unique in this respect.

All Maryland counties face challenges and tradeoffs in their efforts to manage land development while working cooperatively with landowners. As development restrictions increase, the motivation for landowners to participate in preservation programs diminishes. The costs and commitments to ongoing stewardship of preserved land are also a growing concern.

To the general public, there is no apparent difference between permanently preserved land and other undeveloped property. Whether land remains in agriculture because commodity prices are high or because the demand for new housing is low, County policies appear to be working when subdivisions are not popping up on the landscape.

To a great extent, County policies have been working. A combination of ‘moderately protective’ zoning, land use priorities backed by incentives and regulations, and Right to Farm legislation all serve to keep agriculture viable. Combined with longstanding local traditions, an affinity for a rural landscape and a healthy market for agricultural products, the motivation to preserve agricultural land remains strong.

Talbot County Priority Preservation Area Goals

	acres	Farms (est.)	% of farm land
Farm Land (Census of Agriculture, 2012)	119,481	328	100%
MALPF Preserved Land (2012)	10,905	71	10%
MALPF Eligible Land in PPA	70,000	488	64%
20 Year MALPF Preservation Goal	56,000	391	51%

Topic	Citation	Policy	Action
Land Use	Zoning Ordinance § 190-13	Agricultural and forestry activities are the primary and preferred land use activity in rural areas of the County.	To do: New residential lots should be required to have “right to farm” deed covenants. These covenants would notify the person purchasing the lot and all subsequent owners that they are located in a primarily agricultural area.
	Zoning Ordinance § 190-16	Agriculturally-related commercial and industrial uses are permitted in the non-Critical areas of the County, provided these uses can be compatible with surrounding land uses and do not adversely impact environmentally sensitive areas.	Done: Implement regulations to permit the location of agriculturally related industrial and commercial uses in areas easily accessible to farm operators.
	Zoning Ordinance § 190-197	Development design standards for rural residential development should insure the conservation of agricultural lands, open space, woodlands, environmentally sensitive areas and rural character.	Done: Development design standards for residential development in rural and agricultural areas including guidelines for lot and building location and internal access roads to protect and conserve environmentally-sensitive areas, habitat and working lands.
	Zoning Ordinance § 190-13	Low-density single-family residential construction is permitted in agricultural areas. Clustering in the development of single-family residential homes should be encouraged in order to preserve working farmland.	Done To do: Monitor rural residential development patterns to determine if lower densities have reduced the number of acres converted from working farmland.

Topic	Citation	Policy	Action
Land Preservation	Talbot County Code § 5-2	The County should encourage rural property owners to participate in other land preservation easement programs offered by national, state, regional and local land trust organizations.	Done: The County maintains a Priority Preservation Area program that specifies goals, an implementation program, program evaluation, and program development strategy.
		The County should work with local farmers and the Maryland Agricultural Land Preservation Foundation to encourage the greatest possible participation in the program.	To do: Commit additional funds towards easement purchases. The County should examine opportunities to create additional tax or other incentives to preserve farmland.
			To do: The County should monitor the effectiveness of current incentives designed to preserve working farmland and open space by reviewing land use changes in the Agricultural Conservation, Western Rural Conservation, and Rural Conservation areas.
		Rural landowners should be provided the opportunity to transfer development rights from a property in order to maintain development equity and conserve agricultural lands and open space.	To do: The County should re-examine opportunities for use of development rights transfer and identify market opportunities or incentives to broaden their use.
Conservation		Agricultural and forestry activities should be conducted in accordance with best management practices for soil and water conservation which are approved by the Natural Resources Conservation Service.	Done: Work with MDE, DNR, and the Department of Agriculture (MDA) to assist farmers in adopting Best Management Practices to reduce nonpoint source loads of nutrients and other pollutants.

Regional Resources

Agriculture

Maryland Department of Agriculture

www.mda.maryland.gov

Maryland AgPrint (data)

www.agprint.maryland.gov

University of Maryland Extension

www.extension.umd.edu

Talbot Soil Conservation District

www.talbotscd.com

Talbot County Farm Bureau

www.talbotcountyfarmbureau.com

Land Preservation

Maryland Agricultural Land
Preservation Foundation (MALPF)

www.malpf.info

Maryland Environmental Trust (MET)

www.dnr.state.md.us/met

Eastern Shore Land Conservancy (ESLC)

www.eslc.org

Maryland Rural Legacy Program

www.dnr.state.md.us/land

